



General Assembly

January Session, 2007

Raised Bill No. 847

LCO No. 3326

03326_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING ADDITIONAL BENEFITS FOR WAGE LOSS
UNDER THE WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-308a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) In addition to the compensation benefits provided by section 31-
4 308 for specific loss of a member or use of the function of a member of
5 the body, or any personal injury covered by this chapter, the
6 commissioner, after such payments provided by said section 31-308
7 have been paid for the period set forth in said section, may award
8 additional compensation benefits for such partial permanent disability
9 equal to seventy-five per cent of the difference between the wages
10 currently earned by an employee in a position comparable to the
11 position held by such injured employee prior to his injury, after such
12 wages have been reduced by any deduction for federal or state taxes,
13 or both, and for the federal Insurance Contributions Act in accordance
14 with section 31-310, and the weekly amount which such employee will
15 probably be able to earn thereafter, after such amount has been
16 reduced by any deduction for federal or state taxes, or both, and for

17 the federal Insurance Contributions Act in accordance with section 31-
 18 310, to be determined by the commissioner based upon the nature and
 19 extent of the injury, the training, education and experience of the
 20 employee, the availability of work for persons with such physical
 21 condition and at the employee's age, but not more than one hundred
 22 per cent, raised to the next even dollar, of the average weekly earnings
 23 of production and related workers in manufacturing in the state, as
 24 determined in accordance with the provisions of section 31-309. If
 25 evidence of exact loss of earnings is not available, such loss may be
 26 computed from the proportionate loss of physical ability or earning
 27 power caused by the injury. The duration of such additional
 28 compensation shall be determined upon a similar basis by the
 29 commissioner, but in no event shall the duration of such additional
 30 compensation exceed [the lesser of (1) the duration of the employee's
 31 permanent partial disability benefits, or (2)] five hundred twenty
 32 weeks. Additional benefits provided under this section shall be
 33 available only to employees who are willing and able to perform work
 34 in this state.

35 (b) (1) Notwithstanding the provisions of subsection (a) of this
 36 section, additional benefits provided under this section shall be
 37 available only when the nature of the injury and its effect on the
 38 earning capacity of an employee warrant additional compensation.

39 (2) If additional compensation is awarded under subsection (a) of
 40 this section, the commissioner shall state the basis for such award, and
 41 such statement shall include an evaluation of the nature and extent of
 42 the injury, the training, education and experience of the employee and
 43 the availability of work for persons with such physical condition and
 44 at the employee's age.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	31-308a

Statement of Purpose:

To permit workers' compensation commissioners to award additional benefits to compensate an injured worker for loss of wages under appropriate circumstances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]